



3731

004002-002512.DAC.220094

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

|  |                                  |
|--|----------------------------------|
| Application Number                       | 09/694,521                       |
| Filing Date                              | October 23, 2000                 |
| First Named Inventor                     | George Frey                      |
| Group Art Unit                           | 3731                             |
| Examiner Name                            |                                  |
| Total Number of Pages in this Submission | Attorney Docket Number 4002-2512 |

**ENCLOSURES (check all that apply)**

|  |  |  |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Assignment Papers   | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input type="checkbox"/> Amendment Response                                  | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> To Convert a Provisional Application                            | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Terminal Disclaimer   | <input type="checkbox"/> Additional Enclosure (please identify below)                      |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Small Entity Statement  | <input checked="" type="checkbox"/> Return Receipt Postcard                                |
| <input checked="" type="checkbox"/> Suppl. Information Disclosure Statement  | <input type="checkbox"/> Request for Refund  | X 1449   |
| <input type="checkbox"/> Certified Copy of Priority Documents                |  | X 7 cited refs.  |
|  |  | X International Search Report  |
|  |  | X Pending Claims in PCT/US02/15374   |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application    | Remarks  |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |  |  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                         |  |
|-------------------------|--|
| Firm or Individual Name | Douglas A. Collier<br>Woodard, Emhardt, Moriarty, McNett & Henry LLP |
| Signature               | <i>Douglas A. Collier</i> #43,556                                    |
| Date                    | May 19, 2003   |

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**Certificate of Mailing**

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|-----------------------|--------------------|---------------------------|------|--------------|
| Typed or printed name | Douglas A. Collier | <i>Douglas A. Collier</i> | Date | May 19, 2003 |
| Signature             |                    |                           |      |              |



004002-002512.DAC.220093

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#9

|                              |   |                       |
|------------------------------|---|-----------------------|
| In re patent                 | ) |                       |
| application of:              | ) | Before the Examiner   |
|                              | ) |                       |
| George Frey et al.           | ) |                       |
|                              | ) |                       |
| Serial No. 09/694,521        | ) |                       |
|                              | ) | Group Art Unit 3731   |
| Filed October 23, 2000       | ) |                       |
|                              | ) |                       |
| DEVICES AND TECHNIQUES FOR   | ) | Atty Docket 4002-2512 |
| POSTERIOR LATERAL DISC SPACE | ) |                       |
| APPROACH                     | ) | May 19, 2003          |

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
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Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R § 1.56 and 1.98, Applicant discloses the following references on the attached Information Disclosure Citation Form. This information is not believed to have been previously submitted in this application by the applicants.

The filing of this information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56 or that any information cited is prior art.

Also enclosed is a search report from PCT/US02/15374 which claims priority to commonly owned U.S. Patent App. Serial No. 09/694,521 and 10/120,104. The '521 and '104 applications also claim priority to the present application. A copy of the pending claims in the '374 PCT application is provided to facilitate consideration of the

International Search Report application of the references to those claims, and to provide a concise statement regarding the relevance of the foreign language references submitted herewith under 37 CFR 1.98(a)(3).

This Statement is being submitted before the mailing of a First Office Action on the merits, therefore no fees are believed due for consideration of the enclosed references. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted

By: Douglas A. Collier  
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Douglas A. Collier  
Name of Registered Representative

Douglas A. Collier  
Signature

May 19, 2003  
Date of Signature